

**New Shoreham Town Council Minutes**  
**Town Hall, Old Town Road, Block Island**  
**Tuesday, May 5, 2015**  
**7:00 p.m.**

**Present:** First Warden Kenneth C. Lacoste, Second Warden Norris Pike, Town Councilors Mark Emmanuelle, Allan MacKay and Christopher Warfel. Also present was Town Manager Nancy O. Dodge. Deputy Town Clerk Millicent McGinnes was present to take the minutes of the meeting.

First Warden Lacoste called the meeting to order at 7:02 p.m.

**Warden's Report**

First Warden Kenneth Lacoste reported the following:

- A letter was received with photos of a sofa bed which has been thrown off the Mohegan Bluffs and is sitting half way down the cliff. He noted the situation was disturbing and distressing. The Highways Department is looking for the best way to address the issue, but it will be a hazardous situation to remediate.
- A letter was received from Brian Tefft of the DEM noting the official deer kill count for the season was 387 total with 97 taken by archery, 7 by muzzle loader and 283 by shotgun. The Council will meet with the deer task force to discuss the plan for next year.
- The southern portion of the Great Salt Pond, south from a line from Cormorant Point to Harris Point, will be closed to shellfishing at sunset May 22<sup>nd</sup>. Shellfish licenses expire May 15, 2015.

Councilman Emmanuelle reported that there is a blood drive at the school on Thursday, May 7, 2015.

**Public Comment**

The following public comment was made:

- Arlene Tunney: The back ell of the Dr. Residence has been torn down and the area is open and dangerous. An unlicensed contractor without the appropriate protective gear was working at the site.
- Sean McGarry: The Dr. Residence construction area was open and dangerous when he left the house that morning.
- Liz Dyer: The Dr. Residence construction site is marked by construction tape in the front, but not in the back and should be as a point of safety.
- Herman Mast: The Dr. Residence was only opened today for a period of time to allow the architect access to the building.
- Kristen Baumann: Thanked the Town Council, Town Manager, Town Finance Director, the library staff and the Friends of the Library for supporting the library's budget and taking great care of the organization.
- Bruce Montgomery: The much increased funding of the Medical Center's budget was not mentioned at the Financial Town Meeting and he found that strange.

Mr. Warfel moved to amend the agenda to move item #8 up to discuss before item #5. Mr. Emmanuelle seconded the motion and it carried.

Ayes: 5 (Lacoste, Pike Emmanuelle, MacKay, Warfel)      Nays: 0

**1. Receive and Act on New Shoreham Police Department report of March, 2015**

Police Chief Carlone was present and spoke regarding the department's preparedness for upcoming disruptive summer events, such as URI Senior Day party.

Mr. Lacoste moved to approve the New Shoreham Police report for March 2015, seconded by Mr. Pike.

Ayes: 5 (Lacoste, Pike Emmanuelle, MacKay, Warfel)      Nays: 0

**2. Receive and Act on annual request of Rustic Rides for permission to use Old Mill Road, Graces Cove Road, Dorries Cove Road for the summer months and all other town roads from October, 2015 through May, 2015**

A letter was received from Timothy McCabe of Rustic Rides. Bruce Montgomery provided a copy of a private agreement between Mr. McCabe, and some of the property owners in the Cooneymus Road area prohibiting the use of portions of Cooneymus Road.

Mr. Emmanuelle stated that Rustic Rides owner should be present.

Mr. Pike moved to approve the request of Rustic Rides, Inc. to use Old Mill Road, Dorry's Cove Road and Grace's Cove Road from May to September 2015, and to use all other Town Roads from October 2015 – May 2016, and acknowledge the agreement prohibiting the use of the portion of Cooneymus Road from West Side Road to Cooneymus Beach and additionally requiring that Rustic Rides continue to work and cooperate with Superintendent of the Roads Mike Shea and Town Manager Nancy Dodge regarding road maintenance requests. The motion was seconded by Mr. Lacoste.

Ayes: 4 (Lacoste, Pike, MacKay, Warfel) Nays: 1 (Emmanuelle)

### **3. Update from Town Manager on Old Harbor Army Corps Breakwater Project**

Town Manager Dodge reported that the work on the breakwall is continuing to progress and the timeline has been extended until June 15<sup>th</sup>. There is a safety plan in place agreed to by the Town Manager, Harbormaster, the Army Corp., the owner of Ballard's Inn, the contractor Hugo Keys and acknowledged by the ferry operators.

### **4. Receive and Act on Architectural Contract for Fred Benson Beach House Rehabilitation**

Ms. Dodge explained that the architects contract proposal is not available at this time.

Mr. Lacoste moved to table the item until a later meeting. Mr. Warfel seconded the motion and it carried.

Ayes: 5 (Lacoste, Pike Emmanuelle, MacKay, Warfel) Nays: 0

### **8. Discussion of contract issues by Block Island Recycling Management related to the Town's use of alternate disposal of demolition materials**

Block Island Recycling Management owner Sean McGarry was present. He stated that he holds the contract for container services with the Town and noted he was not asked to haul the demolition debris for the Spring House Pump House or the Dr. Residence. He stated the container services contract was violated by not using BIRM to haul the refuse. Additionally, he suggested there were bidding violations by not advertising the job and wrongfully using the small procurements process. Town Manager Dodge responded stating that as per Town Attorney Kathy Merolla, the contract does not oblige the Town to use BIRM, referencing # 10 of the contract – allowing any changes by the Town. She explained that the Dr. House Building Committee chose the lowest, most competitive bid. She stated that she followed the law and was advised by the Town's solicitor. She additionally stated that demolition bids included the refuse removal.

The bids solicited were addressed. At that time, First Warden Lacoste recused himself, as his nephew was a bidder. Second Warden Pike took over the meeting.

A heated discussion ensued.

Mr. Warfel stated that he wanted an analysis of the final costs of the awarded bid compared to the BIRM bid and additionally to have the Town's Attorney explain item # 10 of the contract.

Mr. Pike stated that it made sense to accept the lowest bid and suggested that as the project goes forward Mr. McGarry can be closer to the bid process.

Mr. Lacoste returned to the table.

### **5. Receive and Act on Town Manager recommendation for Clerk of the Works appointment for Doctor's House renovation project**

Ms. Dodge stated that Herman Mast has volunteered to act as the Clerk of the Works for the Doctor's House renovation and she would highly recommend his appointment for the following reasons:

- He is knowledgeable and has much building experience.

- He was the very successful volunteer Clerk of the Works of the Town Hall renovation project.
- He has been dedicatedly working at the Dr. Residence daily over the past month.

Mr. Pike and Mr. MacKay both concurred. Mr. Pike stated Mr. Mast was very hard working and conscientious, quite knowledgeable about the building process and he would appoint him even if Mr. Mast was not acting as a volunteer. Mr. MacKay stated he has been up to the site, seen the work Mr. Mast has done and he would strongly support his appointment as Clerk of the Works.

Mr. Warfel stated he was not against the person, but against the process. He explained he would like to see who else would be interested in filling the position, noting there may be someone with new ideas. He stated that flights to and from San Francisco for Mr. Mast was included in his contract when working on the Town Hall, so he was paid for his work. Mr. Warfel further stated that he could not vote to hire someone who was only here for six months of the year and explained that when Mr. Mast was working on the Town Hall project was absent for six months.

Ms. Dodge noted that the anticipated timeline for the project's completion is June 2016, but it is intended that the bulk of the construction will be completed by the end of 2015. Mr. Mast suggested that when he left the island at the end of the year, construction might well be at a point where the new Facility Manager could take over.

A heated discussion ensued.

Mr. Warfel asked that the following statements be included in the record:

- "I remember when I mentioned to the Town Manager that the records show that Mr. Mast when working on the Town Hall was not here for six months. She replied 'Well neither was the contractor,' and she laughed." (Ms. Dodge denied this conversation ever took place, as Mr. Warfel does not speak to her outside of the Council meeting room.
- In response to the statement from Ms. Dodge that Mr. Warfel does not speak to her outside of the Council meeting room - "I did request building files from Ms. Dodge. I also requested Deepwater files from you and received them. I was in your office with Ella Whaley and Jeffery Broadhead from the Washington County Regional Planning Council to discuss various ways for the Town to try and save money by working with other towns."

Mr. Emmanuelle asked that he be informed of the next meeting of the Building Committee when finalizing the building plans, as he would like to give his input.

Mr. Lacoste suggested putting off the appointment until the next meeting in order to draw up a contract compliant with safety regulations.

From the audience, Sean McGarry volunteered to act as the Clerk of the Works and offered to pay the Town \$10, noting he had experience with the school construction in the past.

Mr. Pike moved to appoint Herman Mast as Clerk of the Works for the Doctor's House renovation project. Mr. MacKay seconded the motion and it carried.

Ayes: 4 (Lacoste, Pike Emmanuelle, MacKay)      Nays: 1 (Warfel)

Mr. Warfel stated that it was not his intention to insult Mr. Mast, but it was about the process.

**6. Receive and Act on request of Block Island Housing Board to petition the RI Legislature to provide New Shoreham an adjustment in affordable Housing Legislation to match the Town's current affordable standards – 140% of median income**

Mr. Lacoste explained that a letter was received from the Block Island Housing Board. Cindy Pappas was present representing the Housing Board and explained that they were requesting that the Town petition the RI legislature to amend the current affordable housing law to allow New Shoreham to use a standard of 140% of median income to be eligible for affordable housing, instead of the current 120%.

Mr. Pike moved to support the request of the Block Island Housing Board to petition the RI Legislature to provide New Shoreham an adjustment in affordable Housing Legislation to match

the Town's current affordable standards – 140% of median income. The motion was seconded by Mr. Warfel and carried.

Ayes: 5 (Lacoste, Pike Emmanuelle, MacKay, Warfel)      Nays: 0

**7. Receive and Act on Memorandum of Understanding between RI Department of Administration, RI Office of Energy Resources and the Town of New Shoreham regarding proposed energy efficiency project for the School, Town Hall and Library.**

It was noted that there were still questions regarding the agreement, therefore it was postponed to a future meeting when the school superintendent could be in attendance.

**9. Receive and Act on correspondence re: RI House Bill 2015-H5900 as it relates to the non-owner occupied property tax**

Mr. Lacoste explained that the Town Council has received two resolutions from other towns and a letter from BIRA in opposition to the portion of the governor's budget taxing non-owner occupied properties in Rhode Island. Mr. Lacoste will draft a resolution for the May 12<sup>th</sup> meeting.

The Council took a recess from 9:00 p.m. to 9:07 p.m.

**10. Receive and Act on annual renewal of New Shoreham taxi and bus licenses and waiting lists as recommended by the Commission on Motor Vehicles for Hire**

Mr. Emmanuelle recused himself as he is a holder of a taxi license.

Mr. Lacoste moved to renew New Shoreham Taxi licenses for 2015-2016 license year for Martha Ball, Victoria Carson, Judy Clark, Muriel Clark, Gloria Hall Daubert, Mary Donnelly, Marcel Dulac, Mark Emmanuelle, Nathaniel Gaffett, Richard Gann, Jon Grant, Geoffrey Hall, Deborah Hart, Monica Hull-Shea, Frederick Leeder III, Vincent McAloon, Timothy McCabe, Edward McGovern, Frances Migliaccio, Florence Millikin, Kristine Monje, Mary Ellen Murphy, Frank Nicastro, Christopher O'Neill, Cathy Payne, Henry Peterson, Maureen Quackenbush, James Rondinone, David Schaller, Sue Ann Shaw, Michael Shea, Champlin Starr and Donald Thimble, pending receipt of appropriate licensing fees and paperwork, and with the stipulation that drivers state rates to passengers prior to departure. The motion was seconded by Mr. Pike and carried.

Ayes: 4 (Lacoste, Pike MacKay, Warfel)      Nays: 1 (Emmanuelle)

Mr. Lacoste moved to renew New Shoreham Charter Bus licenses for 2015-2016 for William McCombe and Howard Rice, pending receipt of appropriate licensing fees, certificate of insurance naming the Town of New Shoreham as certificate holder, and appropriate approvals by the New Shoreham Police Department. Mr. MacKay seconded the motion and it carried.

Ayes: 4 (Lacoste, Pike MacKay, Warfel)      Nays: 1 (Emmanuelle)

Mr. Lacoste moved to accept the New Shoreham taxi waiting list, 1. Fiona Fitzpatrick; 2. Laurie McTeague; 3. Charles Douglas; 4. Lila DelPadre; 5. Shirleyne J. Gober; 6. Douglas Michel; 7. Barbara Michel; 8. Richard Tretheway; 9. Patricia Tretheway; 10. Brian Neville; 11. Mark Helterline; 12. Celeste Helterline; 13. John H. Tripler; 14. Janet Ziegler; 15. Nancy Greenaway; 16. Virginia Milner; 17. David Milner; 18. John Cullen; 19. Mimi Leveille; 20. Patrick Evans; 21. David Brennan; 22. Thomas Durden; 23. Ann Hall; 24. Glen Hall; 25. Christopher Lischke; 26. Edith Blane; 27. Geoffrey Ernst; 28. Jordan Ryan; and 29. Patrick Tengwall. Mr. Pike seconded the motion.

Ayes: 4 (Lacoste, Pike MacKay, Warfel)      Nays: 1 (Emmanuelle)

Mr. Lacoste moved to accept the New Shoreham bus waiting list: 1. Patrick Evans. Mr. MacKay seconded the motion.

Ayes: 4 (Lacoste, Pike MacKay, Warfel)      Nays: 1 (Emmanuelle)

Mr. Emmanuelle returned to the table.

**11. Receive and Act on tax abatements as recommended by Tax Collector**

Tax Collector Ravi Banerjee was present.

Mr. Lacoste moved to approve the tax abatements for J Kriegel as recommended by the Tax Collector, pending approval of the Board of Assessors. Mr. Pike seconded the motion and it carried.

Ayes: 5 (Lacoste, Pike Emmanuelle, MacKay, Warfel)      Nays: 0

**12. Resolution designating second week in May as Woman's Lung Health Week**

Mr. Lacoste moved to declare the second full week of May Woman's Lung Health Week: WHEREAS, every five minutes, a woman in the United States is told she has lung cancer; and WHEREAS, lung cancer is the #1 cancer killer of women in the United States and Rhode Island; and WHEREAS, the lung cancer death rate in women has almost doubled over the past 37 years; and WHEREAS, advocacy and increased awareness will result in more and better early detection and treatment for women with lung cancer and other lung diseases and will ultimately save lives; and WHEREAS, LUNG FORCE is the national movement led by the American Lung Association to unite women to stand together with collective strength and determination to lead the fight against lung cancer and for lung health; THEREFORE BE IT RESOLVED, New Shoreham hereby designates the second full week in May as Women's Lung Health Week throughout the community, and encourages all residents to learn more about the detection and treatment of lung cancer. AND FURTHER BE IT RESOLVED, we decree that this resolution be made a part of the permanent record of the Town. Witness our hands and seal this fifth day of May, 2015. The motion was seconded by Mr. Pike and carried.

Ayes: 5 (Lacoste, Pike Emmanuelle, MacKay, Warfel)      Nays: 0

**13. Discuss and Act on New Shoreham Police contract negotiations (This may be discussed in closed session pursuant to Rhode Island General Laws 42-46-5(a)(2) for discussions regarding collective bargaining)**

Mr. Lacoste moved to go into closed session at 9:18 p.m. pursuant to RIGL 42-46-5(a)(2) for the discussion of collective bargaining. Mr. Emmanuelle seconded the motion.

Ayes: 5 (Lacoste, Pike Emmanuelle, MacKay, Warfel)      Nays: 0

Mr. Lacoste moved to come out of closed session at 9:22 p.m. and seal the minutes. Mr. MacKay seconded the motion and it carried.

Ayes: 5 (Lacoste, Pike Emmanuelle, MacKay, Warfel)      Nays: 0

**14. Minutes: April 1, 2015, April 20, 2015**

Mr. Lacoste moved to approve the minutes of April 1, 2015. Mr. Pike seconded the motion and it carried.

Ayes: 5 (Lacoste, Pike Emmanuelle, MacKay, Warfel)      Nays: 0

Mr. Lacoste moved to approve the minutes of April 20, 2015. Mr. Pike seconded the motion and it carried.

Ayes: 5 (Lacoste, Pike Emmanuelle, MacKay, Warfel)      Nays: 0

With no further business to discuss, Mr. MacKay moved to adjourn at 9:25 p.m. The motion was seconded by Mr. Warfel and carried with all in favor.

Minutes approved:      May 12, 2015

Millicent McGinnes  
Deputy Town Clerk